

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID ANTHONY VILLARREAL,

Plaintiff,

Case No. 1:10-cv-316

v.

Honorable Paul L. Maloney

GORDON J. QUIST et al.,

Defendants.

ORDER

This is a civil action brought by a state prisoner. On April 5, 2010, the Court entered an order of deficiency (docket #2) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file the certified trust statement for the six months preceding the filing of his complaint, as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed twenty-eight days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

More than twenty-eight days have elapsed. Plaintiff failed to pay the \$350.00 civil action filing fee or to submit the requisite documents to apply to proceed *in forma pauperis*. Because Plaintiff has wholly failed to comply with the Court's order, the Court will issue a judgment dismissing the case without prejudice for lack of prosecution. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002); *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997).

IT IS SO ORDERED.

Dated: May 26, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge